Executive Registry Approved For Release 2003/06/13 : CIA-RDP80R01731R000200050164-8/1-220 POLISH AMERICAN IMMIGRATION & RELIEF COMMITTEE,

(Polski Komitet Imigracyjny)

25 ST. MARKS PLACE, NEW YORK 3, N. Y.

Tel. ALgonquin 4-2240 4 - 2531

March 13, 1959

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The Hon. Allan W. Dulles, Director Central Intelligence Agency Washington, D. C.

Sir:

We enclose herewith a Memorandum on deportation of Polish refugees, who having been granted by the Immigration and Naturalization Service stays of deportation for an indefinite period, on the ground that they would suffer physical persecution, have now been advised of revocation of the present stays and are faced with deportation to Poland. The refugees in question have been informed that "information now available to this Service indicates a changed political situation in Poland necessitating reconsideration of the alien's application Atty. F.J. Wazeter for stay of deportation." J. Węgrzynek

> However, as shown in the enclosed Memorandum, the political situation in Poland has not changed essentially and obviously it cannot change as long as there is in power the same Communist regime.

> The refugees who at their hearings by the Immigration and Naturalization Service clearly defined their hostile attitude towards the Communist regime, are in deadly fear of deportation to Poland.

> It has been a source of pride that political exiles might receive shelter in the United States and we, therefore, appeal to you, Sir, most earnestly to use your influence to restrain the arbitrary change of policy which will be contrary to the American principle of assisting victims of political oppression.

Although the number of people is not very substantial, the principle involved is important and there is no justification for deportation of these people to Poland.

Hoping to hear from you in a near future,

Judge W.J. Bayer Rt. Rev. Msgr. J.S. Felczak T. Giergielewicz A. Jaśkiewicz A.M. Klemp S.J. Kopyciński E.P. Koźmor Rev. G. Kubec I. Morawski W. Pilch-Piłat Atty. St. Rutkowski

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F. Wesołowska Atty. Ch. Wilowski A. Zakrzewski Atty. H.M. Zaleski

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Registered with the Advisory Committee on Voluntary Foreign Aid-Department of State Approved For Release 12003/06/13the ARDPSORO4731R000200050164-8 New York, March 12, 1959

MEMORANDUM

War refugee problem

It is well known that the political changes which took place in Poland, as well as in other Eastern European countries after World War II, resulted in vast displacements for millions of people who, dislocated by the war, refused to return to their native lands which were now Communist dominated: or who, at the greatest personal risk, were later able to escape from these countries. The United States recognized that Communism was synonymous with the deprivation of human rights and, with its long tradition as a haven for the oppressed, took cognizance of the plight of these refugees, enacting several laws to permit their entry, the Displaced Persons Act, the Refugee Relief Act, a bill for Hungarian escapees, and other bits of legislation still on our statute books. It gave permanent recognition to the plight of refugees from Communist countries in the basic immigration law of 1952 by providing in Section A43(h) that "The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason".

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New orders of deportation to Poland

Recently, the United States Immigration and Naturalization Service has notified a number of Poles who had entered the United States without proper papers, or had entered with proper visas as refugees and suffered mental breakdowns in the United States that the stay of deportation previously granted to them after proceedings under Section 243(h), Immigration and Nationality was revoked and that t h e proceedings will be reopened, because "information available indicates а changed political situation Poland i n necessitating reconsideration of the aliens' application for stay deportation". In some cases, after discontinuing the stay which previously had been granted because of persecution, deportation orders were actually carried out.

In reopened proceedings, some of them dormant for many years, the aliens are informed that they will be "furnished a further opportunity to testify and submit any available evidence they may have, to support their claim of physical persecution if returned to Poland at this time". How such information should be obtained by refugees who have been away from Poland for years and who in many cases have cut off all ties to their former homeland, is not explained, nor is any inkling given of the character or source of the information which caused the character or former and of official policy toward the present government of Poland.

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The action of United States Immigration and Naturalization Service has aroused anxiety amounting to panic for the refugees affected by it who had, so far, enjoyed the legal effects of stay of deportation. (A few days ago, one of them confessed to us that since he had received the notice, he could hardly sleep at nights, because he went in fear of being seized by Immigration agents at any moment).

Public reaction

It also caused a deep resentment amongst the Polish American community in this country. These feelings found their expression i.a. in the following resolution, adopted by National Council of the Polish American Congress at Williamsburg, Va., on September 27, 1958:

"And be it finally resolved that the Polish American Congress communicate to the proper authorities a censure of recent harsh and merciless methods employed by our Immigration and Naturalization Service in trying to deliver into the hands of the Warsaw regime deserving anti-Communist Poles - regardless how they reach our shores - seeking asylum in our country. This change of policy seems to be based on the false theory that some relaxation of the notorious Stalinist methods of terror signifies a genuine change in the situation in Poland."

The Conference of Americans of Central and Eastern European Descent in New York, on February 28, 1959, resolved that:

"... it deplores most emphatically a n y endeavors on the part of some U.S. Authorities to deport anti-Communist refugees to any Communist-dominated country. This constitutes a flagrant violation of our principles and also betrays the hopes of our allies behind the Iron Curtain. Our traditional right of asylum should in no circumstances be weakened by a policy of expediency".

"Nowy Swiat" (The Polish Morning World), leading Polish American daily, writes in its editorial comment on February 18, 1959:

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"Time was our immigration authorities granted Polish refugees and recent escapees stays of deportation when they happened to be illegally in this country. The reason for that grant was that these people had no country to go to. And our authorities agreed that being violently opposed to Communism they are undeportable as long as Poland is under an alien-imposed, Communist rule, because their personal liberty would be violated. The abrupt change-of-heart of our Immigration Service insofar as Polish nationals are concerned, is surprising. It is even astonishing when one stops to think that our Justice Department's about-face in Polish immigration cases came at a time when the political thaw in Poland ended ..."

"Enemy of the People"

Feelings of surprise and indignation were aroused by the unwarranted assertion that political conditions in Poland have changed to such an extent as to justify deportation of Poles to their native country. We know that the political situation in Poland "at this time", as reported by the American newspapers and by our own extensive contacts with recent escapees, does not give a basis to believe that a Pole who expressed the will not to return to that country for fear of Communism, and applied for asylum in the United States, would not expose himself to dangers and persecution, if sent back to Poland. The mere fact of deportation from the United States, i.e. a compulsory return against his will, is an obvious evidence of his unwillingness to live under the Communist regime which in the eyes of the Communist administration would qualify him as an "enemy of the people". Such persons, even if not imprisoned or tried immediately upon their return to Poland, are subject to systematic discrimination in the field of employment, education of children, allotment of apartments, taxation etc., which makes the life unbearable; - a discrimination which may turn into physical persecution at the whim of Mr. Khrushchev's Warsaw puppets.

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Responsibility of US Govornmont

Is it not the responsibility of the United States Government, which until 1958 has quickly and readily granted Poles in this country stays of deportation, to demonstrate to the American public and to the Polish American community, so loyal in its attachment to American policies, clearly and unequivocally why the situation is different today, on what factual grounds it was known that yesterday these deportees would have suffered physical persecution, and why today and tomoral or ow there is no longer any danger? Surely a responsible Government like the United States, so dedicated to liberty from its inception, should realize the gravity of the situation. It should not commit itself to such actions without public justification to the countries of the free world which continue to offer haven to the refugees and escapees from Communiscal

Departure from "Polish October" Although we believe that the United States Government should sustain the burden of proving how the Communist regime in Poland has suddenly become safe for refugees, we nevertheless offer our own comments.

Naturalization Service that the political situation in Poland has lately improved, it has in fact deteriorated considerably. All reports - official and private, including reports of correspondents of leading newspapers such as the New York Times, New York Herald Tribune, Christian Science Monitor, weekly magazines and others - give evidence that the short period of relative freedom, following the events of October, 1956 is over, and former restrictions, limitations and prohibitions

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are being systematically reimposed.

Illustrative of the totalitarian Party rule and of the suppression of democratic freedoms and human rights, presently prevalent in Poland, are few examples given below:

The Workers' Councils

The "Workers' Councils" which had been set up by the workers in some State enterprises in the Fall of 1956 and then legalized on November 19, 1956, underwent a radical change. A determination of the Communist Party not to allow the workers to evade the Party's guidance, was stressed by Wladyslaw Gomulka at the annual Convention of Labor Unions in April, 1958. He declared that the Workers' Councils must be merged into an organization called "Conference of the Workers' Self-Government", consisting also of Shop Councils (Union organizations) and the factory Communist Party committees. The "Tryouna Ludu", official Party organ, stated that the Party "regards the Unions as its closest organization and background and as the transmitter of Socialist (Communist) ideology to the working masses"; it is therefore interested in strengthening the Unions, and Party members active within the Unions have specific tasks to fulfill in this connection.

The Party's decision on Workers' Councils was carried out by forcing through the Diet the enactment of a Law of December 20, 1958 under the deceptive name of "Workers' Self-Government" and in fact placing the Polish workers again under the strict Party rule and discipline, contrary to their openly manifested will.

Censorship

Consorship has been tightened as shown by the notorious suppression of the weekly "Po Prostu" for its criticism of the regime, the suppression of the review "Europa", and the latest

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suppression - starting from April 1st, 1959 - of the weekly "Swiat i Polska", for the officially stated reason of having failed to fulfill propaganda tasks set to it by the Communist Party.

In April, 1958, new instructions were issued by the Party to publishing houses (all State owned) banning the publication of books: (a) by emigre authors, unless unpolitical, (b) about the Polish war-time underground Home Army or free Polish Forces in the West, (c) by "known revisionists". Translations of Western books were to be reduced in favor of books from the Soviet orbit.

When the Polish Writers' Union at its annual meeting in Decomber, 1958 attacked Government censorship and accepted a resolution calling for the defence of freedom of expression, it became the object of sharp attacks by the Communist Party, which flatly stated that rebel writers would be banned from responsible jobs in publishing and other cultural fields. (N.Y. Times, February 6 and 8, 1959).

In October, 1958 the Minister of Culture announced that the Party would start a big new cultural drive and would have a great deal more to say about the choice of books for publication and general evaluation of all cultural activities.

Church-Stato Rolations

Gomulka regimo's steady rapprochement with Moscow tends to dull gradually some of the concessions obtained by the Roman Catholic Church in Poland.

In August 1958, an edict of Education Minister Wladyslaw Bienkowski barred members of religious orders from teaching religion in the public schools. Because of the ban, estimates of schools lacking religion classes range to over 2,000.

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At the same time the order barring "religious symbols" - meaning crucifixes - from schools was the cause for active resistance in many areas. Clashes with the police resulted, and heavy fines were imposed on the "offenders".

Last year, the charitable activities of the Church became the source of a serious clash between the hierarchy and the Gomulka regime. The State said that relief goods sunt by the American Binshops' overseas charities agency, Catholic Relief Services - National Catholic Welfare Conference, were subject to customs duties - or else had to be consigned to the state-operated Committee for Social Relief. As a result of the hostile attitude of the regime, Catholic Relief Services - NCWC announced in New York it was suspending all large shipments of relief goods to Poland.

The anti-Church campaign in the press reached its peak last summer. The government and Party newspapers began attacks on the hierarchy. The bishops were charged with such crimes as festering political action hostile to "people's Poland" - supposedly inspired by Vatican elements supporting "German militarism", and with functions and intolerance toward non-believers and non-Catholics.

The Cardinal-Primate, moreover, was charged with violating laws concerning censorship of publications. Such charges reached their climax with the invasion of the Primate's Institute at Jasna Gora monastery in Czestochowa last July 21. The public prosecutor's office backed up by the police, raided the offices of the institute and seized books and pamphlets, mimeographed texts and records, immobilizing the work of the institute.

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This was not the only police raid on religious institutions. Recently the offices of the Bishop of Wrockaw, Boleskaw Kominek, were raided and searched by the police. The Institute of Higher Religious Education recently established in that city, was seized by the government and all its activities stopped.

In July 1958, Reverend Marian Pirozynski, editor of a theological periodical "Homo Dei", was arrested and last February he was condemned to two years in prison for allegedly trying to purchase newsprint illegally, for printing more copies of the periodical than he was officially permitted. (State control over the distribution of newsprint is an indirect method of censorship of the press in a Communist country).

Other conflicts took place on the parochial level. In several instances, priests were sentenced to prison terms for the substance of sermons allegedly provoking violence against non-believers.

Education

A Law enacted on November 3rd, 1958 reorganized universities and other schools of higher education. The apparent autonomy of the universities and their departments is narrowly limited by the right of the Minister of Higher Education to veto academic elections, his power to invalidate the decisions of university ruling bodies, and his extensive supervisory authority. He determines the direction of school activities, programs of scientific research and studies, establishes curricula and rules of studies, decides on principles of financing the schools and on their contacts with foreign countries. The schools must "take active part in building of Communism in People's Poland".

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In a similar way the autonomy of the legal profession was limited in spite of strong opposition, by the provisions of the Law of November 5, 1958.

Return to "Party line"

Only recently, at a meeting held in Cracow on February 23, 1959 and reported in the New York Times, the Communist Prime Minister of Poland Jozef Cyrankiewicz warned young people who had "made errors" to go back into the Party, but also that "when the Party turns to the ideological offensive, all those who were such a trouble for it be tween 1956 and 1958 will be silenced".

On March 10, 1959, in his seven-hour long speech Wladyslaw Gomulka, First Secretary of the Communist Party in Poland - boside a repetition of usual invectives against "Western imperialists" - gave an identical warning that "Communists were determined to put down any activities they considered anti-Socialist".

These examples of the recent trend displayed by the Communist rulers of Poland, give evidence that, if there polítical change in that country, has been in the direction substantially limiting those doms which Poles seemed t o have won result of a s а bitter g 1 o.

Continuous flight of Poles to the West

The continuous flight of Poles from their country is in sharp contrast with the appraisal of the Immigration Service. Poles are well known for their deep attachment to their native

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And yet - especially during the last two years - numbers of Poles asking for asylum in Western Europe have shown a steady increase. The United States authorities have all details of how many Poles have left Poland in search for freedom, and that as recently as February 13, 1959 two Polish fishermen on the Baltic locked their skipper and another crew member in a cabin and escaped to Denmark to ask for asylum. If Denmark had deported those fishermen back to Poland, not only public opinion in the United States but the United States Government would have looked upon such action with disfavor. Why different standards should be applied to the right of asylum in the United States than in the countries adjoining Communist dictatorships, is not explained by the Immigration and Naturalization Scrvice.

It appears that European countries closer to the source have a different understanding of the situation.

Voice of Council of Europe

The Council of Europe discussed the conditions behind the Iron Curtain on October 17, 1958. Mr. Frans Goedhart, delegate from the Notherlands, speaking also on behalf of the Danish delegate Mr. Bogholm, stated:

"In Poland we have seen possibly a more dramatic swing back towards the old days than in any of the other countries. Nearly all the gains by the Polish people in October, 1956, appear now to be lost. The freedom of the press has virtually disappeared. The really welcome sign of allowing more and more Poles, particularly intellectuals, to travel abroad, has now been curtailed not by any regulations; but by the simple process of raising the cost of passports by no less than six times in the last year. A particularly dramatic development has been the steadily deteriorating relationship between Mr. Gomulka and Cardinal Wyszynski ... although religious education in schools has not yet been interfered with ... However, it has been restricted and matters

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reached a climax at the end of July with the police raid on the Abbey of Jasna Gora at Częstochowa, which is the garred shrine of the Roman Catholic Church ..."

And the British delegate Mr. Mulley said:

"I believe that it is absurd to try to understand the situation in Poland, unless we take cognizance of the fact that there are 22 Soviet divisions in Eastern Germany".

As result of a long debate on the plight of East European nations now under the Soviet domination, Council of Europe on October 17, 1958 adopted unanimously a resolution, to the effect that the member governments of the Council of Europe were greatly concerned for the freedom and right of self-determination of the peoples of Eastern and Central Europe.

Denver Conference on Immigration

Concern for the fate of refugees was also expressed by the Denver Conference on Immigration held on December 6, 1958 which among other recommendations for reform of our immigration laws recommended that our laws and the administration thereof should to a greater extent practice the time-honored American tradition of granting asylum to victims of racial, religious and political persecution.

Satellites' dependence on Russia There is nothing in the history of the relationships between the Soviets and the enslaved countries to justify any faith, optimism or belief that the latter can take an independent stand. There have been uprisings in Poland, Hungary and East Germany, all beaten down bloodily by Soviet troops. While one of the satellites may deem it politically expedient to make temporary civil concessions to the people, such concessions cannot be viewed as implying progressive amelioration. To the contrary, as soon as is convenient, the Soviet philosophy, restrictions, deprivati-

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ons of personal liberty and persecutions are restored. Those involved in the insurgent moves are murdered. We cannot stress enough the need to view cynically the promises of any Communist country that it will not persecute anyone who refuses to accept the Communist ideology.

In changing the criteria for deportation of nationals of Iron Curtain countries because of a temporary change in the "Party line" of the home country, our Government ignores the almost always temporary nature of the modifications in the Communist tactics. A momentary relaxation in restrictions of the individual frequently turns into retribution against those who took such relaxation too seriously.

Stays of deportation

Under the circumstances which were only briefly sketched above, it seems unrealistic to require that applicants for a stay of deportation because of political persecution introduce conclusive evidence that they personally, if sent back to Poland, would suffer physical persecution. Even if they are not imprisoned immediately upon arrival, there is however no guarantee at all that they will be spared persecution in the future.

Would it not be much more realistic to recognize that under a Communist totalitarian regime any person not in sympathy with such government is a potential persecutee and that those who have tried unsuccessfully to escape from the Communist grip, will be under a special surveillance and will be singled out for punishment and discrimination at the first opportunity.

14.

Acceptance deportees

We are aware that the recent change in the policy of the Communist Immigration and Naturalization Service is not caused exclusively by changes in the tactics of the Communist government of Poland. It has been brought about also by a changed attitude of the Warsaw government towards some demands made upon it by our Government. Until some months ago, the former government refused to accept deportees. At the same time it did not permit its own nationals to leave the country, whether for purposes of immigration or to visit abroad.

> Under Section 243(g) of the Immigration and Nationality Act, visas may not be issued to nationals of a country which, upon request of the American Government, denies or unduly delays acceptance of deportees.

> It is believed that the Communist government in Poland now finds it desirable for some of its nationals to travel abroad and to come to the United States, and as a result of this change in policy, the government is also more lenient in accepting deportees from the United States.

> The relationship between Sections 243(g) and 243(h) should not be confused and distorted. Section 243(g) of the law very clearly requires that the issuance of United States immigration visas may be discontinued for natives of a country which refuses to accept back or delays the acceptance of deportees, and the law does not limit this to Communist countries. Section 243(h) clearly refers to people who request a stay of deportation because they fear physical persecution. Any genuine legal connection between these two Sections of the law has not been establish

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ed by the United States Immigration and Naturalization Service.

While from the point of view of the United States foreign policy it may be desirable to encourage an exchange of persons with Poland, and while for orderly administration of the Immigration and Nationality Act it is desirable that persons with final orders of deportation be deported to the country of their nationality, it should be pointed out that this particular "thaw" in the attitude of the red government has little bearing on their treatment of Polish nationals upon return of such nationals to Poland. If the Immigration and Naturalization Service has granted a stay of deportation under Section 243(h) in connection with an individual case, it is difficult to understand how the individual involved can now prove that the evidence which allegedly changed the government policy, is not applicable to his case in view of the fact that he does not know the evidence, nor has he been in Poland for some time.

Burden of proof on refugoes

Until now it has not been necessary for refugees to submit such evidence. The United States Immigration Service and the State Department have both given cognizance to the fact that anti-Communist refugees would suffer such persecution. The new approach is unreasonable since it places the applicants in an extremely difficult situation. It is practically impossible, except in a few blatant cases, for an individual to prove that he individually will be tortured, because Communist governments do not advertize their crimes until it pleases them to do so. Neither the inhabitants of the Soviets, nor the free world press always know whether someone has been executed or im-

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prisoned. The little people especially do not make the headlines.

Deportees as tools of propaganda

Attention is also called to the fact that persons deported forcibly in this fashion after years in the United States, may well be used by the Polish authorities, whenever they deem it appropriate, for propaganda against the United States. The refusal of the deportees to so "cooperate" might well have dire consequences for them, and their personal unhappiness and bitterness for having been summarily rejected, may leave them little or no choice as tools for propaganda.

Against American interests

Deportation of these people to Poland will not serve American interests of the Soviet Union and Communism and also, in the long run, bring most dangerous reporcussions among our Western allies and neutral European countries. Although subjected to constant pressure on the part of the Soviet and satellite governments, these countries, up to date, have followed continuously a most humanitarian, politically wise, and remarkably courageous policy in this respect, granting asylum to almost every decent oscapee from the Communist-dominated part of Europe.

Principle at stake The President of the United States, the Secretary of State and other prominent Americans have publicly declared time and time again that it was the firm policy of this country not to accept the present enslavement of Poland and the status quo in Eastern Europe, to assist those who yearn and struggle for freedom behind the Iron Curtain, and to uphold their hope in a

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better future.

It would be, indeed, a total denial of this policy and of the American tradition, if Poles who have applied for haven in this country, were forcibly deported to Poland and handed over to the hated Communist authorities. Such an action when revealed to the Polish people, would have the effect of profound and bitter disappointment in the values of American ideals.

In his speech at Philadelphia on January 24, 1959, Robert K. Gray, Secretary to the Cabinet, described the Communist system in the following words:

"Communism is the grave enemy of freedom and national independence. Wherever it penetrates, it agitates, subverts, and destroys. The system itself is based on mechanistic conformity,
both in terms of human beings and national groups. It turns men
into cogs in the materialistic machine, tkinking and acting
under central dictatorship."

Do our leaders in the Government, and especially in our Immigration Service - not believe in this excellent summary of what Communism stands for, and what it is - with some tactical adjustments - trying to achieve ? Or do we believe that there exists a brand of Communism which we can accept or go along with ?

We carnestly hope that it is not so, and that our whole concept of life is based on the principles of human dignity and freedom.

Submitting this evaluation of the political situation in Poland (without pretending that it is complete), we firmly

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Immigration and Naturalization Service is in effect of an error of judgement, and that the Government and Legislature of the United States will uphold the traditional American policy of friendship and help to escapees and refugees coming here in search of freedom, and thus reaffirm our historical position as a home for the suffering and the persecuted and our standing as a world leader.

(Rt.Rev.Msgr.) Felix F. Burant
President,
Polish American Entity ration & Relief Committee
25, St.Marks Place, New York 3, N.Y.



CENTRAL INTELLIGENCE AGENCY WASHINGTON, D. C.

OFFICE OF THE DIRECTOR

Right Reverend Monsignor Felix F. Burant President, Polish American Immigration & Relief Committee, Incorporated 25 St. Marks Place New York 3, New York

Dear Monsignor:

I wish to thank you for your letter of 13 March, concerning the deportation policies of the United States Immigration and Naturalization Service as it applies to Polish citizens now in this country.

Since the deportation of refugees does not fall within the purview of the Central Intelligence Agency, I am therefore unable to assist you in this matter. However, your courtesy in bringing this to my attention is appreciated.

Sincerely,

Allen W. Dulles Director

